

Original

FILED
APR 15 PM 1:07
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Manuel A. Wagan
2 E-30055, 530-2-35 Low
3 Post Office Box 9
4 Avenal, CA 93204

5 In Pro Per

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Manuel A. Wagan

11 Plaintiff,

12 vs.

13 San Mateo County Superior
14 Court Defendant.

CV 08

1082

CASE NO. _____

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

WHA
(PR)

16 I, Manuel A. Wagan, declare, under penalty of perjury that I am the
17 plaintiff in the above entitled case and that the information I offer throughout this application
18 is true and correct. I offer this application in support of my request to proceed without being
19 required to prepay the full amount of fees, costs or give security. I state that because of my
20 poverty I am unable to pay the costs of this action or give security, and that I believe that I am
21 entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes _____ No X

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the
25 name and address of your employer:

26 Gross: N/A Net: N/A

27 Employer: N/A

28 _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 Petitioner was last employed by Serramonte Auto Plaza
 5 on September 18, 1988. Petitioner was on commission, not
 6 on salary (Average commission \$1000.00.).

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ___ No X
 10 self employment

11 b. Income from stocks, bonds, Yes ___ No X
 12 or royalties?

13 c. Rent payments? Yes ___ No X

14 d. Pensions, annuities, or Yes ___ No X
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ___ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A

23 3. Are you married? Yes ___ No ___ Separated
 24 Spouse's Full Name: Edna P. Wagan 20 years

25 Spouse's Place of Employment: Not known to Petitioner

26 Spouse's Monthly Salary, Wages or Income: Do not know.

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ 0

1 b. List the persons other than your spouse who are dependent upon you for
 2 support and indicate how much you contribute toward their support. (NOTE:
 3 For minor children, list only their initials and ages. DO NOT INCLUDE
 4 THEIR NAMES.).

5 **None**

7 5. Do you own or are you buying a home? Yes ____ No **X**

8 Estimated Market Value: \$ **0** Amount of Mortgage: \$ **0**

9 6. Do you own an automobile? Yes ____ No **X**

10 Make **N/A** Year **N/A** Model **N/A**

11 Is it financed? Yes ____ No **X** If so, Total due: \$ **0**

12 Monthly Payment: \$ **0**

13 7. Do you have a bank account? Yes ____ No **X** (Do not include account numbers.)

14 Name(s) and address(es) of bank: **N/A**

16 Present balance(s): \$ **0**

17 Do you own any cash? Yes ____ No **X** Amount: \$ **0**

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 19 market value.) Yes ____ No **X**

20 **N/A**

21 8. What are your monthly expenses?

22 Rent: \$ **0** Utilities: **N/A**

23 Food: \$ **0** Clothing: **N/A**

24 Charge Accounts: **None**

| <u>Name of Account</u> | <u>Monthly Payment</u> | <u>Total Owed on This Acct.</u> |
|------------------------|------------------------|---------------------------------|
| <u>N/A</u> | \$ <u>0</u> | \$ <u>0</u> |
| <u>N/A</u> | \$ <u>0</u> | \$ <u>0</u> |
| <u>N/A</u> | \$ <u>0</u> | \$ <u>0</u> |

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

N/A

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes X No

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

Wagan v. SAN MATEO COUNTY SUPERIOR COURT Case No. 116465,

Wagan V. SAN MATEO COUNTY SUPERIOR COURT CASE No. S153547.

Wagan v. SAN MATEO COUNTY SUPERIOR COURT CASE No. 07-6191.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

04/09/08

DATE


SIGNATURE OF APPLICANT

REPORT ID: TS3030 .701

REPORT DATE: 10/29/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
 AVENAL STATE PRISON
 INMATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 01, 2007 THRU OCT. 29, 2007

ACCOUNT NUMBER : E30055 BED/CELL NUMBER: 530 2 00000035L
 ACCOUNT NAME : WAGAN, MANUEL ATIENZA ACCOUNT TYPE: I
 PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

| DATE | CODE | DESCRIPTION | COMMENT | CHECK NUM | DEPOSITS | WITHDRAWALS | BALANCE |
|------------|------|-------------------|------------|-----------|----------|-------------|---------|
| 07/01/2007 | | BEGINNING BALANCE | | | | | 0.00 |
| 07/27 | W810 | CANCELLED CHE | 0456158486 | | | 30.00- | 30.00 |
| 08/03 | W516 | LEGAL COPY CH | 700550LECO | | | 16.30 | 13.70 |
| 08/03 | W512 | LEGAL POSTAGE | 700550LEPO | | | 0.80 | 12.90 |
| 08/03 | W512 | LEGAL POSTAGE | 700550LEPO | | | 0.80 | 12.10 |
| 08/06 | W512 | LEGAL POSTAGE | 700559LEPO | | | 0.80 | 11.30 |
| 08/06 | W512 | LEGAL POSTAGE | 700559LEPO | | | 4.60 | 6.70 |
| 08/07 | W516 | LEGAL COPY CH | 700613LECO | | | 5.20 | 1.50 |
| 08/16 | W516 | LEGAL COPY CH | 700788LECO | | | 1.50 | 0.00 |
| 08/20 | D300 | CASH DEPOSIT | 0817-9697 | | 40.00 | | 40.00 |
| 08/22 | W512 | LEGAL POSTAGE | 700853LEPO | | | 9.60 | 30.40 |
| 08/22 | W516 | LEGAL COPY CH | 700853LECO | | | 9.80 | 20.60 |
| 08/28 | W512 | LEGAL POSTAGE | 700956LEPO | | | 2.15 | 18.45 |
| 08/28 | W512 | LEGAL POSTAGE | 700956LEPO | | | 2.15 | 16.30 |
| 09/11 | W516 | LEGAL COPY CH | 701134LECO | | | 10.70 | 5.60 |
| 09/13 | FC05 | DRAW-FAC 5 | 5CD2701190 | | | 5.60 | 0.00 |

CURRENT HOLDS IN EFFECT

| DATE | HOLD | | | |
|------------|------|--------------------|------------|-------------|
| PLACED | CODE | DESCRIPTION | COMMENT | HOLD AMOUNT |
| 10/10/2007 | H109 | LEGAL POSTAGE HOLD | 1584LEGPOS | 8.25 |
| 10/17/2007 | H118 | LEGAL COPIES HOLD | 701717LECO | 0.40 |

TRUST ACCOUNT SUMMARY

| BEGINNING | TOTAL | TOTAL | CURRENT | HOLDS | TRANSACTIONS |
|-----------|----------|-------------|---------|---------|--------------|
| BALANCE | DEPOSITS | WITHDRAWALS | BALANCE | BALANCE | TO BE POSTED |
| 0.00 | 40.00 | 40.00 | 0.00 | 8.65 | 0.00 |

CURRENT
 AVAILABLE
 BALANCE

8.65-

Attached Trust Account

Wagan Seal

RETURN FOR ADDITIONAL

3

571

Manuel A. Hagan
530-5236
Post Office Box 9
Avenal, CA 93204

530-12-36-100

Post Office Box 9

061 CA 93204

Legal Mail
Confidential

Confidential

AVENAL STATE PRISON

CONFIDENTIAL

Office of the Clerk, U.S. District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dr. David N. California

1101 N. Volpe Blvd. #1500, Los Angeles, CA 90012

San Francisco, CA 94102

LEGAL MAIL

APR 11 2008

AVENUE, STAFF BRIS.,
MAILROOM

MAIL ROOM